

EXHIBIT D
DECLARATION OF HENRY BROWN

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1. I, Henry L. Brown, am a 71 African American. I meet the definition of a new and beginning farmer and rancher for purposes of loan making and loan servicing.
2. I desire to have the Amici, Rural Coalition, represent my interests in Civil Action No. 21 – cv-548-WCG.
3. If the injunction is not lifted, I will continue to suffer irreparable financial and economic harm to my farm operation.
4. I am eligible to participate in the Section 1005 program benefits.
5. During the months of March 2020 to February of 2021, I experienced farm income loss due to the COVID 19 pandemic. DOC Family Farms, LLC, a cow – calf operation, is a qualified agricultural business for purposes of Economic Injury Disaster Loans (**EIDL**).

See Section 18(b) of the Small Business Act (15 U.S.C. 647(b)). See 7 CFR 766.104(a) (1) (i), (ii), (iii), (iv), (v).

6. The economic effects of the coronavirus (COVID-19) pandemic caused farmers to miss farm loan payments.
7. During the months of March 2020 to February of 2021, my off farm house hold income decreased monthly by **\$2,200.00** due to work place health and safety dislocations associated with the COVID 19 pandemic, an event that is beyond my control. **See 7 CFR 766.104(a) (1) (i), (ii), (iii), (iv), (v).**

8. As authorized under law the **CARES ACT** (P.L. 116-136) and in order to meet home and farm operational financial obligations that could have been met had the **COVID-19** disaster not occurred, I made a successful application for a Small Business Administration (SBA) Economic Injury Disaster Loans (EIDL) loan pursuant to the amended **CARES ACT**.
9. My Economic Injury Disaster Loans (EIDL) pursuant to Section 18(b) of the Small Business Act (**15 U.S.C. 647(b)**) did not require the Small Business Administration to take a security interest in my cows, calves or related offspring.
10. I have two loans with the U.S. Department of Agriculture Farm Service Agency. One loan is current and not in default. The second loan, identified as 10-079-348420796, was placed in default by Newton Gilman February 19, 2021.
11. The original FSA Promissory Note, identified as 10-079-348420796, in the amount of \$8,980.00 signed on December 21, 2018. The due date for this payment was on June 21, 2020 and has been declared in default on February 19, 2021.
12. I completed a Farm Business Plan dated October 17, 2020 for the purpose of farm loan servicing of the cattle loan identified as 10-079-348420796.
13. According to SBA's **EIDL** requirements, I was not required to include SBA in any financing or loan servicing transactions.
14. On February 4, 2021, USDA temporarily suspended non-judicial foreclosures, debt offsets or wage garnishments, and referring foreclosures to the Department of Justice. USDA is working with the U.S. Attorney's Office to stop judicial foreclosures and evictions on accounts that were previously referred to the Department of Justice. This is

for both direct loans and Farm Storage Facility Loans. Additionally, USDA extended deadlines for producers to respond to loan servicing actions, including loan deferral consideration for financially distressed and delinquent borrowers.

Acts of farm loan discrimination based on race, age and source of income on February 19, 2021 when FSA:

- (A) Denied adequate farm loan servicing in accordance with the **CARES Act' EIDL** program;
- (B) Treated, erroneously and in a discriminatory manner, FSA stated that I did not act in good faith during participation in the **CARES Act's EIDL** program and the U.S. Department of Agriculture Farm Service Agency farm loan servicing process;
- (C) I was penalized for lawful participation in **CARES Act's EIDL** program on June 9, 2020;
- (D) FSA stated in relevant part: " Additionally, you did not disclose to FSA that you had obtained financing from SBA on your application as required by Handbook 3 – FLP Par. 65 and as you certified when signing the application."

/s/ Henry Brown, June 22, 2021

Henry Brown
Declarant